

AMENDED IN SENATE AUGUST 20, 2014

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN ASSEMBLY MAY 15, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Concurrent Resolution

No. 140

Introduced by Assembly Member Weber

(Coauthors: Assembly Members Bradford, Brown, Hall, Holden, Jones-Sawyer, Ridley-Thomas, Achadjian, Alejo, Ammiano, Atkins, Bigelow, Bloom, Bocanegra, Bonilla, Bonta, Buchanan, Campos, Chau, Chávez, Chesbro, Conway, Cooley, Dababneh, Dahle, Daly, Dickinson, Donnelly, Eggman, Fong, Fox, Frazier, Beth Gaines, Garcia, Gatto, Gomez, Gonzalez, Gordon, Gorell, Grove, Hagman, Harkey, Jones, Levine, Linder, Logue, Lowenthal, Maienschein, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Nestande, Olsen, Pan, Patterson, Perea, John A. Pérez, V. Manuel Pérez, Quirk, Quirk-Silva, Rendon, Rodriguez, Salas, Skinner, Stone, Ting, Wagner, Waldron, Wieckowski, Wilk, Williams, and Yamada)

(Coauthor: Senator Mitchell)

April 23, 2014

Assembly Concurrent Resolution No. 140—Relative to the 60th Anniversary of Brown v. Board of Education.

LEGISLATIVE COUNSEL’S DIGEST

ACR 140, as amended, Weber. 60th Anniversary of Brown v. Board of Education.

This measure would commemorate the 60th Anniversary of the Brown v. Board of Education decision.

Fiscal committee: yes.

1 WHEREAS, High-quality education is essential to an informed
2 citizenry, and is the foundation for democracy in the United States;
3 and

4 WHEREAS, Access to a high-quality education is the gateway
5 to opportunity, America’s promise to all; and

6 WHEREAS, A high-quality education for every citizen
7 regardless of race, religion, ethnic background, or economic
8 circumstance is a fundamental civil right under the American form
9 of government; and

10 WHEREAS, Education is the passport of opportunity that needs
11 to be equally available for all; and

12 WHEREAS, In 1896, the United States Supreme Court ruled
13 in *Plessy v. Ferguson* (1896) 163 U.S. 537 that segregation of the
14 races at public facilities was legal so long as these facilities were
15 “separate but equal,” which legitimized segregated public schools;
16 and

17 ~~WHEREAS, On April 14, 1947, the United States Court of~~
18 ~~Appeals for the Ninth Circuit in San Francisco held in *Westminster*~~
19 ~~*School Dist. of Orange County et al. v. Mendez* (9th Cir. 1947)~~
20 ~~161 F.2d 774 that segregated schools violated the equal protection~~
21 ~~clause of the Fourteenth Amendment of the United States~~
22 ~~Constitution; and~~

23 ~~WHEREAS, Subsequent to the decision in *Mendez v.*~~
24 ~~*Westminster*, Governor Earl Warren, on June 14, 1947, signed~~
25 ~~into law the repeal of the remaining segregationist statutes in the~~
26 ~~California Education Code; and~~

27 WHEREAS, In 1952 and 1953, the United States Supreme Court
28 heard oral arguments on consolidated cases on appeal from United
29 States District Courts of Kansas, Delaware, Virginia, and South
30 Carolina under the name of *Brown v. Board of Education of*
31 *Topeka* (1954) 347 U.S. 483, alleging similar arguments to those
32 offered by famed National Association for the Advancement of
33 Colored People (NAACP) legal counsel Charles H. Houston, who
34 played a role in nearly every civil rights desegregation case before
35 the United States Supreme Court between 1930 and *Brown v.*
36 *Board of Education*, that “separate but equal” schools were, in
37 fact, never equal and that these schools violated individual rights

1 to equal protection under the law guaranteed by the 14th
2 Amendment to the United States Constitution; and

3 WHEREAS, The arguments were presented on behalf of the
4 NAACP by its Chief Counsel, Thurgood Marshall, who eventually
5 became the first African American United States Supreme Court
6 Justice; and

7 WHEREAS, Thurgood Marshall argued that segregated schools,
8 many of which were substandard, were psychologically damaging
9 to black children, causing low self-esteem and low self-worth,
10 inherently depriving these children of equal protection under the
11 law guaranteed by the 14th Amendment to the United States
12 Constitution, and that under that amendment states had no legally
13 valid reason to segregate and “use race as a factor in affording
14 educational opportunities to its citizens”; and

15 WHEREAS, Chief Justice of the United States, ~~and former~~
16 ~~Governor of California,~~ Earl Warren wrote that “education is
17 perhaps the most important function of state and local
18 governments,” and he persuaded each of the other eight justices
19 of the Supreme Court that, even if schools were theoretically equal,
20 the effect of segregation on black pupils “generates a feeling of
21 inferiority as to their status in the community that may affect their
22 hearts and minds in a way unlikely ever to be undone”; and

23 WHEREAS, On May 17, 1954, the United States Supreme Court
24 in *Brown v. Board of Education* unanimously overturned the
25 “separate but equal” doctrine of law; and

26 WHEREAS, The United States Supreme Court’s decision
27 became the legal impetus to school desegregation throughout the
28 United States, and led to one of the most profound social
29 movements in the history of the United States; and

30 WHEREAS, The reaction to the *Brown v. Board of Education*
31 decision fueled emotions from both sides of the segregation
32 argument, leading to the “Little Rock Nine,” a group of nine black
33 high school students who were the first black students to attend
34 the all white Little Rock High School in Arkansas. One of those
35 students was Melba Pattillo Beals, who finished her high school
36 education at the public Montgomery High School in Santa Rosa,
37 California, and later received her bachelor’s degree from San
38 Francisco State University; and

39 WHEREAS, The activism generated to enforce the *Brown v.*
40 *Board of Education* decision was a catalyst to the Civil Rights

1 Movement for equality that gained momentum in the 1960s and
2 led to further desegregation of public facilities; and

3 WHEREAS, The struggle for equal access to high-quality
4 education continues today; and

5 WHEREAS, The State Department of Education has included
6 Brown v. Board of Education in the adopted history-social science
7 standards and curriculum framework and ensured its presence in
8 state-adopted instructional materials; now, therefore, be it

9 *Resolved by the Assembly of the State of California, the Senate*
10 *thereof concurring*, That the Legislature commemorates the 60th
11 Anniversary of the historic Brown v. Board of Education decision,
12 one of the landmark United States Supreme Court decisions of the
13 20th Century; and be it further

14 *Resolved*, That a copy of this resolution be transmitted to the
15 California School Boards Association, which is encouraged to
16 disseminate copies to local boards of education throughout
17 California; and be it further

18 *Resolved*, That the Chief Clerk of the Assembly transmit copies
19 of this resolution to the author for appropriate distribution.